1952.

File No. O. High Denomi— Notes
Legal Deptt. (Demonitisation)
/52

A **BRANCH**

P.3(E)

Subject:— Opinions under the High Denomination Notes (Demonitisation) Ordinance 1946

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1.	O.No.3173/A-Genl. 7.10.1952.	Whether John Thomas Pinto is an independent person.Unless he is shown to be an independent person unconnected with the Police, his testimony will require to be materially corroborated.———	1 —
2.	O.No.3234/A-Genl. 13-11-52.	——————— do ——————— The only corroboration available is the finding of some of the notes from the shirt pocket of accused No; 1.	3 —
3.	C.M. P.D. No 6463/53/PAYO-VII 10.4.53.	See 4. The prosecution of Pratapmal Poojmal Ishwardayal Ramprasad and Mithalal Poojmal for an offence under s 28 —	4 — 5 —

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It is not clear from the papers whether John Thomas Pinto is an independent person. In his statement he is described as a businessman but the nature of his business is not stated either in his statement or in the Police report. Unless he is shown to be an independent person unconnected with the Police, his testimony will require to be materially corroborated.

2. Thoma D'Souza's statement is not in the papers which have been forwarded to this Department. It would appear from the Police report that he was not examined by the Police on the day of the raid. If that is so, that fact would go against the prosecution, because the raid and all the panchnamas were complete by 4-40 P.M. and there was, therefore, sufficient time to examine him. If his statement is favourable to the prosecution and if the delay in examining him can be properly explained, his testimony, if his otherwise an independent person, would carry weight.

3. The panchas who would speak to the finding of the 7 marked currency notes of Rs 100/- each from the shirt pocket of accused No. 1 are Henry Costelino and L. Fonseca. On the assumption that they are independent persons, their evidence as to the finding of the notes would corroborate the testimony of the bogus customer Shri Pinto and of the Police officers.

4. If the assumptions made in the above paras be correct, there are prospects of a prosecution succeeding.

Sd/- P.M.Lad.

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Remembrancer of Legal Affairs.

U.R. to P.D., No.1023/A -Confl , dated the 7th October 1952.

V.M.D./-15-6
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Office of the R.L.A.

Shri Pinto being the bogus customer, his testimony would require corroboration. Shri 'Souza who appears to be an independent person and who heard the talk is not prepared to corroborate Shri Pinto and support the prosecution as reported by the Commissioner of Police. Therefore the only corroboration available is the finding of some of the notes from the shirt pocket of accused No. 1. This by itself is not likely to be held by the Court as sufficient particularly when corroboration by the positive testimony of Shri D'Souza who was admittedly present is not forthcoming.

Sd/-P.M.Lad
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Remembrancer of Legal Affairs.

U.R. to F.D., No. 1234/A-Conf1, dated the 13th November 1952.

V.M.D.15-6
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